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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**BILLINGS DIVISION**

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UNITED STATES OF AMERICA,  Plaintiff,  vs.  MICHAEL BRYANT, JR.,  Defendant.	<b>Case No. CR-11-70-BLG-JDS</b>  <b>DEFENDANT'S MOTION TO DISMISS THE INDICTMENT</b>
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COMES NOW Defendant MICHAEL BRYANT, JR., by and through his counsel of record, the FEDERAL DEFENDERS OF MONTANA and STEVEN C. BABCOCK, Assistant Federal Defender, and moves the Court for an order to dismiss the Indictment filed in this case. Bryant has prior convictions of domestic abuse on the Northern Cheyenne Indian Reservation in which he was not provided counsel even though he was indigent. The Fifth and Sixth Amendments to the United States Constitution preclude the use of Bryant's prior tribal-court convictions as predicate

convictions to establish the habitual-offender elements of 18 U.S.C. §117. A brief will be filed in support of the said Motion.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of November, 2011.

/s/ Steven C. Babcock

STEVEN C. BABCOCK  
Federal Defenders of Montana  
Counsel for Defendant

**CERTIFICATE OF SERVICE**  
**L.R. 5.2(b)**

I hereby certify that on November 7, 2011, a copy of the foregoing document was served on the following persons by the following means:

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1.      CLERK, UNITED STATES DISTRICT COURT
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3.      MICHAEL BRYANT, JR.  
Defendant

/s/ Steven C. Babcock  
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